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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of)	
Second Periodic Review of the)	MB Docket No. 03-15
Commission's Rules and Policies)	
Affecting the Conversion)	RM 9832
To Digital Television)	
Public Interest Obligations of TV)	MM Docket No. 99-360
Broadcast Licensees)	
Children's Television Obligations of)	MM Docket No. 00-167
Digital Television Broadcasters)	
Standardized and Enhanced Disclosure)	MM Docket No. 00-168
Requirements for Television Broadcast)	
Licensee Public Interest Obligations)	
To: The Commission		

COMMENTS OF CHANNEL 3 OF CORPUS CHRISTI, INC.

Channel 3 of Corpus Christi, Inc., licensee of television station KIII, Corpus Christi, Texas (hereinafter "KIII"), by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rulemaking ("NPRM")in the above-captioned proceeding involving the review of the Commission's rules and policies affecting the conversion to digital television.

Introduction

Station KIII operates on analog channel 3. DTV channel 47 was allotted to KIII as its digital channel. In February, 1999, KIII filed a Petition for Rulemaking proposing the substitution of DTV Channel 8 for the allotted DTV channel 47. More than four years

later, the rulemaking remains unresolved. Consequently, and in light of the unusual circumstances underlying the DTV channel 8 rulemaking proceeding, station KIII should be referenced in the Commission decision herein as exempted from compliance with the rules, policies and dates adopted in this proceeding.

1. The DTV channel 8 rulemaking was initiated by the filing of a Petition for Rulemaking in February, 1999. A Notice of Proposed Making ("Notice") issued in September, 1999 with Comments and Reply Comments dates of November 1, 1999 and November 16, 1999, respectively. The Community Broadcasters Protection Act of 1999 (the "Broadcasters Protection Act") was enacted on November 29, 1999. Subsequently, Class A applications for low-power television stations operating on channels 7 and 8, Corpus Christi, were filed in September, 2000 and January, 2001. Petitions to Deny these Class A applications were filed by station KIII within ten days of the respective filing dates. A Commission Staff decision pertaining solely to the Petitions to Deny directed against the Class A applications issued in March, 2002. The decision held that the low power stations are required to protect the DTV Channel 8 allotment if the rulemaking is granted and that the Class A applications would remain on file pending the outcome of the rulemaking proceeding. The licensee of the Channel 7 low-power facility timely filed a Petition for Reconsideration. As of the current date, the Commission has neither ruled on the Petition for Reconsideration nor on the DTV Channel 8 rulemaking.

2. In September, 1999, station KIII requested an extension of time to file its digital application in light of the pending DTV Channel 8 rulemaking

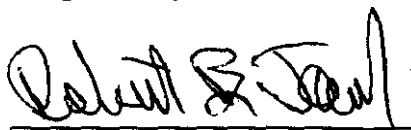
proceeding.’/ In December, 1999, the Commission granted an extension until May 1, 2000 stating that station KIII “. . .demonstrated good cause for an extension of time to file your application.”. In February, 2000, station KIII requested a further extension to file a digital application based on the fact that the DTV channel 8 rulemaking proceeding had been “placed on hold” pending Commission consideration of the impact of the Broadcasters Protection Act on various Commission proceedings. As previously noted, the commission issued a decision in March, 2002 pertaining solely to the Class A applications – which is now the subject of a Petition for Reconsideration. The blame for the fact that station KIII-DT is not on the air (indeed has not filed an application) lies solely upon the Commission.

3. As to the matter of channel election, for example, station KIII is not and will not be in a position to make an election by May 1, 2005 – absent finality of a Commission decision granting the DTV channel 8 rulemaking proceeding. With respect to the matter of a choice between the use of DTV channel 3 and DTV channel 47, the Commission presumably is aware of problems concerning the use of DTV channels 2 through 6. Station KIII has been monitoring the WBBM-DT, Chicago, Illinois channel 3 operation. Thus, far, the results are not promising. Whether DTV channel 3 problems can be realistically resolved is not known as of the current time. In short, station KIII has no basis/no record upon which it could formulate an opinion as to channel election.

^{1/} DTV applications were required to be filed on or before November 1, 1999.

4. The procedural morass in which station KIII finds itself stems from Commission inaction, a matter beyond control of station KIII– not from licensee conduct.^{2/} To subject station KIII to rules, policies and precise dates which are based on the assumption that a DTV application has been filed (and, moreover, where the fault for not filing rests with the Commission) is wholly inequitable – simply unfair and illogical. Station KIII, accordingly, should be afforded the opportunity to evaluate its DTV operation and should be exempted from all procedural rules and dates.^{3/} Station KIII recognizes that paragraph 62 appears to be directed to stations having DTV applications on file. Nevertheless, and in order to avoid any Staff misunderstanding (and subsequent events which might result from Staff misunderstanding), it is respectfully requested that the Commission decision in this proceeding recognize and exempt station KIII from compliance with rules, policies and dates adopted therein.

Respectfully submitted



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(202) 293-3860

Counsel for Channel 3 of Corpus Christi, Inc.

Dated: April 17, 2003

^{2/} Numerous letters to the Commission requesting action in the rulemaking proceeding have been filed. (See Attachment A.)

^{3/} KIII anticipates that relevant new dates will be established upon the grant of a DTV application and that it will be subject to such rules and policies as are applicable to its situation.

ATTACHMENT A

CORRESPONDENCE DIRECTED TO FCC

1304.002A
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July 3, 2002

VIA TELECOPIER & HAND DELIVERY

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Washington, D.C. 20554

In re: Amendment of Section 73.622(b), Table of Allotments, Digital Television
Broadcast Stations (Corpus Christi, Texas), MM Docket No. 99-177, RM-
9666

Dear Mr. Pendarvis

A Notice of Proposed Rulemaking (NPRM) in the above-referenced proceeding proposing the substitution of **DTV Channel 8** for DTV Channel 47 at Corpus Christi, Texas was released on September 8, 1999. Specified Comment and Reply Comment dates were November 1, 1999 and November 16, 1999 respectively. Comments and Reply Comments were filed.

The Community Broadcasters Protection Act of 1999 was enacted on November 29, 1999. Thereafter, applications for Class A licenses were filed by low-power television stations KTOV-LP (Channel 7) and KTMV-LP (Channel 8), Corpus Christi, Texas. Petitions to Deny these Class A applications were filed by Channel 3 of Corpus Christi, Inc. (hereinafter Channel 3), the proponent of the **NPRM**.

The Commission's Low-Power Television Branch issued a decision on **March** 22, 2002 which held (a) that low-power television stations are required to protect the DTV Channel 8 allotment if the rulemaking petition is granted; (b) that the low-power Class A license applications would remain in a pending status; and (c) that the Class A license

Mr. Clay Pendarvis
July 3, 2002
Page 2

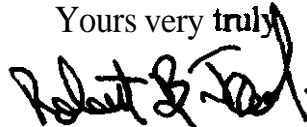
applications will remain on file "...pending the outcome of the **Corpus** Christi rulemaking proceeding."

Following the release of the Low-Power Television Branch decision, undersigned counsel filed a letter on March 28, 2002 addressed to Clay Pendarvis requesting that the processing of the **Corpus** Christi DTV Channel 8 rulemaking proceeding be resumed (copy attached). **As of** the current date (approximately 3% months after the release of the Low-Power Television Branch decision), no decision on the rulemaking proceeding has issued.

The Commission has consistently (both by action and pronouncements) supported/promoted the commencement of digital television service at the earliest possible time. Channel 3 cannot make equipment purchases, cannot file **an** application because a Commission decision has not issued. As noted, the Petition for rulemaking was filed in February, 1999. The Class A license applications of LPTV Channels 7 and **8** were filed in September, 2000 and January, 2001 and Petitions to Deny were filed within a week thereafter. The March 22 decision issued approximately **14** months after the filing of the Petition to Deny directed against the Channel 8 license application.

Channel 3 desires to go forward with the construction of a digital facility, preferably digital Channel 8. Continued delay of a Commission decision on the rulemaking **phase** places Channel 3 in a disadvantageous competitive position visa-vis its full-power competitors. Prompt action on the **NPRM** is respectfully requested.

Yours very truly



Robert B. Jacobi

RBJ:btc

Enclosure

cc: Peter Tannenwald, Esq. (via fax)
Counsel for **KTOV-LP**

1204.002A
BR

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March 28, 2002

VIA TELECOPIER & REGULAR MAIL

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In re: Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Corpus Christi, Texas), MM Docket No. 99-177, RM-9666

Dear **Mr. Pendarvis**

A Notice of Proposed Rulemaking (NPRM) in the above-referenced proceeding was released on September 8, 1999. The specified Comment and Reply Comment dates were November 1, 1999 and November 16, 1999, respectively. Comments and Reply Comments were filed.

The NPRM proposed the substitution of DTV Channel 8 for DTV Channel 47 at Corpus Christi, Texas. The Community Broadcasters Protection Act of 1999 was enacted on November 29, 1999. Subsequently, applications for Class A licenses were filed by low-power television stations KTOV-LP (Channel 7) and KTMV-LP (Channel 8), both Corpus Christi. Petitions to Deny these Class A applications were filed by Channel 3 of Corpus Christi, Inc., the proponent of the **NPRM**.

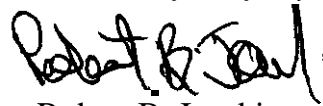
The Commission's Low Power Television Branch issued a decision on March 22, 2002 which held (a) that the low-power stations are required to protect the DTV Channel 8 allotment if the rulemaking petition is granted; (b) that the low-power Class A license applications would remain in a pending status; and (c) that the Class A license

Mr. Clay Pendarvis
March 22, 2002
Page 2

applications will remain on file "...pending the outcome of the Corpus Christi rulemaking proceeding." A copy of the March 22, 2002 letter is attached.

The Petition requesting the issuance of a Notice of Proposed Rulemaking ~~was~~ filed in February, 1999. The NPRM was released on September 8, 1999. In light of the March 22, 2002 decision, it is respectfully requested that processing of the ~~Corpus~~ Christi DTV Channel 8 rulemaking proceeding be resumed.

Yours very truly

A handwritten signature in black ink, appearing to read "Robert B. Jacobi", with a stylized flourish at the end.

Robert B. Jacobi

RBJ:btc

Enclosure

cc: Peter Tannenwald, Esq. (via ~~fax~~)
Counsel for **KTOV-LP**
Arthur Belendiuk, Esq. (via ~~fax~~)
Counsel for KTMV-LP



f

Federal Communications Commission
Washington, D.C. 20554
MAR 22 2002

1800E3-JLB

channel 3 of corpus Christi, Inc.
c/o Robert B. Jacobi, Esq.
Cohn and Marks
suite 300
1920 N Street, N.W.
Washington, D.C. 200361622

Minerva R. Lopez
c/o Arthur V. Belendiuk, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C. 20554

Sound Leasing, Inc.
c/o Peter Tannenwald, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W.
suite 200
Washington, D.C. 200363101

Re: Applications for Class A Licenses
Stations KTOV-LP and KTMV-LP
FibNos. BLTVA-20000905AAE
A d BLTVA-20011220DO
Facility IDNos. 42711, 68452

Dear Counsel:

This is with respect to the petitions to deny filed by Channel 3 of Corpus Christi, Inc., the licensee of station KIII(TV), Channel 3, Corpus Christi, Texas, against the above-referenced applications for a Class A television license. Sound Leasing, Inc. and Minerva R. Lopez, the licensees of low power television stations KTOV-LP, channel 7, and KTMV-LP, channel 8, Corpus Christi, respectively, oppose the petitions.

On November 29, 1999, Congress enacted the Community Broadcasters Protection Act of 1999 (CBPA),¹ pursuant to which certain eligible low power television stations are to be accorded Class A "primary" status as a television broadcaster. Pursuant to the terms of the statute, qualified low power television licensees intending to convert to Class A status were required to submit a statement of eligibility to the Commission within 60 days of enactment of the CBPA, which was January 28, 2000. Sound and Lopez both filed timely certifications of eligibility for Class A status and were granted such certification by public notice released June 2, 2000. Subsequently, they filed the above-referenced applications for Class A licenses.

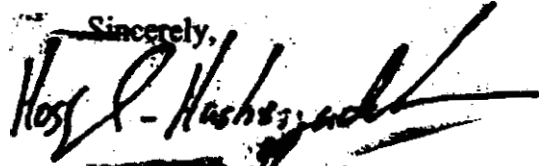
Channel 3, the licensee of television station KIII(TV), Corpus Christi, was allotted channel 47 as its DTV channel. See *Sixth Report and Order*, 12 FCC Rcd 14588 (1997). However, on February 8, 1999, Channel 3 filed a petition for rulemaking to substitute channel 8 as its DTV channel, and the Commission adopted a notice of proposed rulemaking on September 3, 1999, setting a closing comment date of November 16, 1999. In its petitions to deny, Channel 3 asserts that the DTV facility proposed in the rulemaking proceeding conflicts with the operation of the two low power television stations, and that accordingly, the Class A license applications cannot be granted. In response, Lopez and Sound both argue that because the allotment proceeding remains pending, and the allotment was not made by the date on which they filed statements of eligibility, the rulemaking proceeding does not take priority over the Class A applications.

In the Report and Order and Further Notice of Proposed Rulemaking in MM Docket No. 00-39, the Commission adopted certain processing priorities between DTV proposals and NTSC applications and rulemaking proceedings. *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 5946 (2001). With respect to pending petitions for rule making for new or modified DTV allotments, the Commission stated that "where a Notice of Proposed Rulemaking has been adopted and the comment deadline on the petition for rulemaking has passed, we will consider such petition as 'cut-off' as of the comment deadline, [and] applications that are filed after a DTV petition is cut-off on its comment deadline will have to protect the facilities proposed in the DTV petition." *Id.* at 5969. Here, Channel 3's rulemaking petition was cut-off as of November 16, 1999, prior to the November 29, 1999 effective date of the CBPA and the filing of statements of eligibility. Thus, Lopez and Sound will be required to protect the channel 8 allotment if Channel 3's rulemaking petition is granted. Because the Commission has not yet acted on the rulemaking proceeding, we will dismiss the petitions for reconsideration, and the license applications will remain pending. In the event that the Commission grants the requested rulemaking, Lopez and Sound will have an opportunity to file for displacement relief.

¹ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594 - 1501A-598 (1999), codified at 47 U.S.C. § 336(f).

In view of the foregoing, the petitions to deny filed by Channel 3 of Corpus Christi ARE HEREBY DISMISSED, The Class A television license applications filed by Minerva R. Lopez and Sound Leasing, Inc. will remaining on file pending the outcome of the Corpus Christi rulemaking proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Hossein Hashemzadeh", with a stylized flourish at the end.

Hossein Hashemzadeh
Supervisory Engineer
Low Power Television Branch
Video Services Division
Mass Media Bureau

1204.002A
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February 25, 2002

VIA HAND DELIVERY

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FEB 25 2002

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In re: Station KIII-DT, Corpus Christi, Texas

Dear **Mr. Caton**

Station KIII-DT, Corpus Christi, Texas will not commence operation on or before May 1, 2002. Indeed, station KIII does not have a digital construction permit and has not filed an application for a digital construction permit. Consequently, since FCC Form 337 (Application for Extension of Time to Construct a Digital Television Broadcast Station) presumes the existence of a construction permit and, further, since station MI-DT does not have a construction permit, an extension of the application is not being filed. The singular reason for not commencing DTV service on or before May 1, 2002 is due to the failure of the Commission to resolve in a timely manner a conflict between a long outstanding Notice of Proposed Rulemaking and three LPTV Class A license applications/Petitions to Deny. The underlying facts are as follows:

1. The Sixth Report and Order in MM Docket No. 87-268 allotted DTV Channel 47 to station KIII;
2. A Petition for Rulemaking was filed on February 18, 1999 requesting the substitution of DTV Channel 8 for the allotted DTV Channel 47;
3. A Notice of Proposed Rulemaking ("NPRM") was released on September 8, 1999. The NPRM specified November 1, 1999 as the

Comment date and November **16**, 1999 as the Reply Comment date. Comments and Reply Comments were timely filed;

4. By letter dated September 23, 1999, KIII requested **an** extension of the DTV November 1, 1999 application filing date. The letter requested an extension of **60** days **from the** release date of the Commission Report and Order granting and/or denying the NPRM (copy attached).
5. The Community Broadcasters Protection Act of 1999 was signed into law on November 29, 1999;
6. By Commission staff letter of December 15, 1999, the FCC granted **an** extension of the DTV application filing date to May 1, 2000 (copy attached);
7. By letter dated December 30, 1999, KIII notified the Commission of its intent to "maximize" (copy attached). The maximization letter referenced Channels 3, 8 and 47 (Channel 3 is the KIII-TV analog channel);
 - a. By letter dated February 28, 2000, KIII requested **an** extension of the May 1, 2000 DTV filing date – based on the fact that the pending NPRM effectively had **been** placed on hold pending Commission resolution of problems arising **from** the enactment of the Community Broadcasters Protection Act of 1999 (copy attached). The FCC has not acted on the February 28, 2000 extension request;
9. LPTV station KTOV-LP, Channel 7, **Corpus** Christi, Texas filed an application to convert low-power station KTOV to Class A station status on September 5, 2000. KIII filed a Petition to **Deny** on September 14, 2000;
10. LPTV station KTMV-LP, Channel 8, **Corpus** Christi, Texas filed an application to convert low-power **station** KTMV to **Class** A station **status** on January 22, 2001. A **Petition to** Deny was filed on **January** 30, 2001;
11. In an effort to facilitate the NPRM and the pending Class A applications, a "Motion to Consolidate" was filed on February 16, 2001;
12. LPTV station K47DF, Channel 47, **Corpus Christi**, Texas filed an application to convert low-power television station K47DF to Class A station status on June 15, 2001. A Petition to Deny was filed on June 21, 2001;
13. By letter dated September 28, 2001, **KIII** recited the facts referenced herein and the **further** fact that the failure of the Commission to act within a reasonable period of time **has** affected not only station KIII but **three low-**power facilities. The letter requested at least a status report (copy attached). In the interim period of time, no action has occurred and no status report **was** provided.

Mr. William F. Caton
February 25, 2002
Page 3

The reason given for requesting an extension of the November 1, 1999 DTV filing date (item number 4, letter of September 23, 1999) was as follows:

"It is obvious that the rulemaking proceeding will not be completed in sufficient time to file a DTV Channel 8 application. With respect to the DTV Channel 47 allotment, it would appear that the filing and processing of an application for such facility would be wasteful of Commission resources and, further, result in the licensee/applicant having to incur an unnecessary expense."

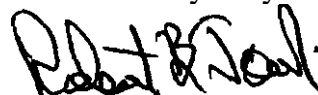
The Commission concurred (item number 6) stating "...We believe that you have demonstrated good cause for an extension of time to file your application."

A timely request for extension of time to file the DTV application remains outstanding (see, item number 8, letter dated February 28, 2000).

More significant, perhaps, is the time elapsed since (1) the issuance of the NPRM - approximately two and one-half years and (2) the enactment of the Community Broadcasters Protection Act of 1999 - more than two years. The basic facts recited herein were the subject of a letter to the Commission in September, 2001 (item number 13), approximately five months ago, with the reasonable expectation that some action would occur. Reasonable or not, there has been no Commission action and apparently, no consideration of the matter - since no status report has been received.

Once again, we are requesting that the matter be processed and resolved.

Yours very truly-



Robert B. Jacobi

RBJ:btc

Enclosure

cc: Clay Pendarvis, Esq.
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Roy Stewart, Esq.
Margaret L. Tobey, Esq.
Alamo Public Telecommunications Council (KLRN-TV)
Peter Tannenwald, Esq.
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Arthur V. Belendiuk, Esq.
Counsel for Minerva Lopez
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SEP 23 1999

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September 23, 1999

VIA TELECOPIER & HAND DELIVERY

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Federal Communications Commission
The Portals II
445-12th Street, S.W.
Room 2-A662
Washington, D.C. 20554

In re: Channel 3 of Corpus Christi, Inc. (KIII, Corpus Christi, Texas)

Dear Mr. Pendarvis

Channel 3 of Corpus Christi, Inc. ("Channel 3"), licensee of television station KIII, Corpus Christi, Texas, was allotted DTV Channel 47. Channel 3 filed a Petition for Rulemaking on February 18, 1999 requesting the substitution of DTV Channel 8 for its assigned DTV Channel 47. Pursuant to the Channel 3 request, the Commission issued a Notice of Proposed Rulemaking on September 8, 1999 (copy of first page attached). The NPRM specifies a Comment filing date of November 1, 1999 and a Reply Comment filing date of November 16, 1999. Comments in support of the proposed NPRM will be filed by Channel 3 on or before November 1, 1999.

The Commission has established November 1, 1999 as the date by which the KIII DTV application must be filed. It is obvious that the rulemaking proceeding will not be completed in sufficient time to file a DTV Channel 8 application. With respect to the DTV Channel 47 allotment, it would appear that the filing and processing of an application for such facility would be wasteful of Commission resources and, further, result in the licensee/applicant having to incur an unnecessary expense.

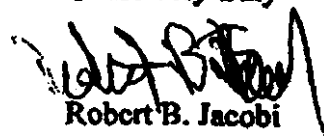
In light of the fact that both the date and the outcome of the rulemaking proceeding is speculative, it is respectfully requested that the date for filing the Channel 3 DTV application be extended by a time period of 60 days from the release date of the Commission Report and Order.

Mr. Clay Pendarvis
September 23, 1999
Page 2

Obviously, ascertaining whether or not an extension of the November 1, 1999 filing date will be granted, is critical. I am therefore requesting expedited consideration of this request.

A "hard copy" of this letter will follow.

Yours very truly



Robert B. Jacobi

RBJ:btc

Enclosure



Federal Communications Commission
Washington, D.C. 20554

DEC 15 1999

Extension of Time to File Application for
CP for DTV Station

36198684111:10/17

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Blue R

Robert B. Jacobi, Esq.
C o h and Marks
1920 N Street, NW, Suite 300
Washington, DC 200361622

Dear Licensee:

This refers to your request dated September 23, 1999, for an extension of time to file your application for a permit to construct digital television station KIII-DT, Corpus Christi, TX.

Because your station is not a major network affiliate in a top 30 market, your application was required to be filed on or before November 1, 1999. You have requested an extension of time to file your application.

After a careful review of your request, we believe that you have demonstrated good cause for an extension of time to file your application. Accordingly, the time for filing the DTV application for station KIII-DT is hereby extended until May 1, 2000.

Sincerely,

Clay C. Pendarvis
Chief, Television Branch

Facility ID No. 10188

j:claycpendarvis/ndr/cp

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DEC 30 1999
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OFFICE OF THE SECRETARY
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December 30, 1999

VIA HAND DEL. _____

Mr. H. John Morgan
Assistant Chief (Engineering)
Video Services Division
Mass Media Bureau
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room 2-C864
Washington, D.C. 20554

Dear Mr. Morgan

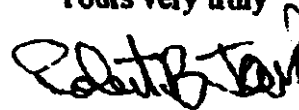
On behalf of Channel 3 of Corpus Christi, Inc., licensee of television station KIII, Corpus Christi, Texas (Channel 3), the Commission is hereby notified of the licensee's intent to maximize DTV facilities as follows:

1. Channel 3 has been allotted DTV Channel 47 as its transitional DTV facility. A Petition for Rulemaking is pending which proposes to substitute DTV Channel 8 for DTV Channel 47
2. If the rulemaking proceeding is granted, the licensee intends to maximize DTV Channel 8;
3. If the rulemaking proceeding is denied, the licensee, in all probability, will return to Channel 3 as its permanent DTV allotment. Consequently, the Commission is hereby notified that the licensee intends to maximize DTV operations on Channel 3;
4. If the rulemaking proceeding is denied, the licensee will undertake an engineering study to determine whether operation on DTV Channel 3 or DTV Channel 47 is preferable. Accordingly, the Commission is hereby

Mr. K John Morgan
December 30, 1999
Page 2

notified that the licensee intends to maximize operation on DTV Channel 47 should the Channel 8 rulemaking proceeding be denied and the engineering study conclude that DTV Channel 47 is preferable to DTV Channel 3.

Yours very truly



Robert B. Jacobi

RBJ:btc

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FEB 28 2000
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February 28, 2000

VIA HAND DELIVERY

Mr. John H. Morgan
Federal Communications Commission
The Portals II
445 - 12th Street, S.W.
Room 2-C864
Washington, D.C. 20554

Dear Mr. Morgan

Channel 3 of Corpus Christi, Inc., licensee of television station KIII, Corpus Christi, Texas, was granted an extension of time to file its digital television application - from November 1, 1999 to May 1, 2002. The extension was based upon the fact that a Notice of Proposed Rulemaking to substitute DTV Channel 8 for the allotted DTV Channel 47 was outstanding.

In the interim period of time, Congress enacted the Community Broadcasters Protection Act of 1999 and the Commission initiated a rulemaking proceeding (Establishment Of A Class A Television Service, MM Docket No. 00-10, MM Docket No. 99-292, RM-9260). Apparently, the processing of the outstanding NPRM to substitute DTV Channel 8 for DTV Channel 47 has been "placed on hold" pending resolution of the outstanding LPTV rulemaking proceeding.

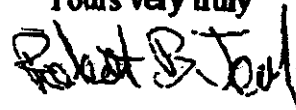
As of the moment, Channel 3 of Corpus Christi is not in a position to know whether it will file a DTV application for Channel 8 or Channel 47.^{1/} Accordingly, it is respectfully requested that the date for filing the DTV application be extended from May 1, 2000 to

^{1/} On December 30, 1999, Channel 3 filed a Letter of Intent to maximize LPTV Channels 3 (its analog channel), 8 and 47. Recognizing that the May 1, 2000 date for filing maximization applications cannot be extended, Commission guidance as to which applications are entitled to be processed would be appreciated.

Mr. John H. Morgan
February 28, 2000
Page 2

45 days from the release date of the Report and Order resolving the Channel 3 of Corpus Christi NPRM proceeding.

Yours very truly

A handwritten signature in black ink, appearing to read "Robert B. Jacobi". The signature is written in a cursive, slightly slanted style.

Robert B. Jacobi

RBJ:btc

STAMP AND RETURN

BR

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September 28, 2001

VIA HAND DELIVERY

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals II, Filing Counter
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

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SEP 28 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas

Channel 3 of Corpus Christi, Inc., licensee of television station KIII, Corpus Christi, Texas filed a petition for rulemaking on February 18, 1999 requesting the substitution of DTV Channel 8, for the allotted DTV Channel 47 at Corpus Christi. A notice of proposed rulemaking issued on September 8, 1999. The Comment and Reply Comments dates were November 1, 1999 and November 16, 1999. The singular purpose of this letter is to inquire as to the status of the proposed rulemaking and, related thereto, the status of petitions to deny filed by Channel 3 of Corpus Christi, Inc. directed against the Class A license applications of LPTV stations KTOV-LP, Channel 7, Corpus Christi, Texas and KTMV-LP, Channel 8, Corpus Christi, Texas. The salient facts are as follows:

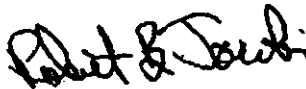
1. A Petition To Deny the KTOV-LP Class A license application was filed on September 14, 2000;
2. A Petition To Deny the KTMV-LP Class A license application was filed on January 30, 2001;
3. Since the issues in the aforesaid two contested proceedings were substantially identical, a Motion to Consolidate was filed on February 16, 2001;
4. Channel 3 of Corpus Christi, Inc. also filed a Petition To Deny directed against the Class A license application of LPTV station K47DF, Channel 47, Corpus Christi, Texas on June 21, 2001. This Petition was filed in light of the unresolved rulemaking proceeding/petitions to deny directed against LPTV stations KTOV-LP and KTMV-LP.

Ms. Magalie Roman Salas
September 28, 2001
Page 2

The date for filing reply comments in the rulemaking proceeding was November 16, 1999. The petitions to deny the Class A license applications of stations KTOV and KTMV were filed in September, 2000 and February, 2001 respectively. The failure of the Commission to act has affected one full power DTV operation and three low power facilities. It is respectfully suggested that sufficient time has elapsed for decisions to have been reached.

In the absence of decisions, it is respectfully requested that at least a status report as to these matters be accorded to the parties.

Very truly yours



Robert B. Jacobi

cc: Clay Pendarvis, Esq.
Hossein Hashemzadeh
Roy Stewart, Esq.
Margaret L. Tobey, Esq.
Alamo Public Telecommunications Council (KLRN-TV)
Peter Tannenwald, Esq.
Counsel for Channel 7 of Corpus Christi, Inc.
Arthur V. Belendiuk, Esq.
Counsel for Minerva Lopez
Elizabeth A. McGeary, Esq.
Counsel for KVOA Communications, Inc.

EXHIBIT 2

KIII-DT has **never** been issued a construction permit.

The circumstances preventing construction are entirely due to the failure of the Commission to act on the NPRM and the LPTV Class A applications/Petitions to Deny — all of which remain in a pending status.

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September 28, 2001

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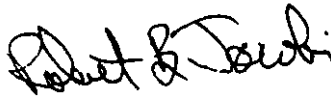
1. A Petition To Deny the KTOV-LP Class A license application was filed on September 14, 2000;
2. A Petition To Deny the KTMV-LP Class A license application was filed on January 30, 2001;
3. Since the issues in the aforesaid two contested proceedings were substantially identical, a Motion to Consolidate was filed on February 16, 2001;
4. Channel 3 of Corpus Christi, Inc. also filed a Petition To Deny directed against the Class A license application of LPTV station K47DF, Channel 47, Corpus Christi, Texas on June 21, 2001. This Petition was filed in light of the unresolved rulemaking proceeding/petitions to deny directed against LPTV stations KTOV-LP and KTMV-LP.

Ms. Magalic Roman Salas
September 28, 2001
Page 2

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Very truly yours



Robert B. Jacobi

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